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To: **Examiner McKenzie**
Location: **United States Patent Office**
Facsimile Telephone: **571 273-0670**
No. of Pages: (including cover sheet): **8**
From: **Angela J. Grayson**
Department Name: **Legal Division**
Telephone: **858 622-8872**
Date: **July 6, 2004**

MESSAGE:

Per our telephone conversation, transmitted herewith are the following:

**Re: Abreo, et al., Serial No.: 09/931,166
Attorney Docket No.: PC19077 US (AG106 US)**

- 1. Copy of Date-Stamped Return Receipt Postcard for Information Disclosure Statement dated August 17, 2001 (1 page); and**
- 2. Copy of Information Disclosure Statement dated August 17, 2001 (7 pages).**

FAX COVERSHEET

Applicant:
App. Serial No:
Filed:

Abreo, et al.
09/931,166
August 17, 2001

Docket No.: 0125-0043US
By: Christina Gadiano/km

For:

Pyrazole Compounds,
Pharmaceutical Compositions,
and Methods for Modulating or
Inhibiting ERAB or HADH2
Activity



When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following:

1. Information Disclosure Statement;
2. USPTO 1449 Forms;
3. Cited References; and
4. 1 return postcard

cg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Abreo et al.

Serial No.: 09/931,166

Filed: August 17, 2001

For: Pyrazole Compounds, Pharmaceutical
Compositions, and Methods for Modulating
or Inhibiting ERAB or HADH2 Activity

Art Unit: 1614

Examiner: To Be Assigned

Atty. Docket: 0125-0043US

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☐ 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our check no. ____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i)(1).
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. I hereby certify that no item of information on this Information Disclosure

Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).


- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 09/931,186, filed August 17, 2001, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622.

Respectfully submitted,

SHANKS & HERBERT

By: 
Christina Gadiano
Reg. No. 37,628

Date: November 16, 2001

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INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
0125-0043US

APPLICATION NO.
09/931,166

APPLICANT(S)

Abreo, et al

FILING DATE

August 17, 2001

GROUP

1624

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	3,165,520	01/65				May 5, 1961
	4,666,908	05/87				April 5, 1985
	5,047,404	09/91				June 13, 1989
	5,272,147	12/93				June 12, 1992
	5,294,611	03/94				April 23, 1993
	5,294,612	03/94				March 30, 1992
	5,426,107	06/95				July 23, 1993
	5,541,187	07/96				Nov. 30, 1993

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	WO 94/28902	12/94				<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 96/16644	6/96				<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 98/40484	09/98				<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 98/49166	11/98				<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 99/18987	4/99				<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	Auzzi et al., <i>Boll. Chim. Farm.</i> , 112, 521-8 (1973)
	Bagshawe, <i>Drug Dev. Res.</i> , 34, 220-230 (1995)
	Bergmann, R. et al., <i>J. Med. Chem.</i> , 33, 492-504 (1990)
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	Buck, J. et al, <i>J. Chem. Soc., Perkin Trans. 1</i> (1), 67-73 (1992)
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	Ganem et al, <i>Chemtracts: Org. Chem.</i> , 1(5), 413-14 (1988)
	Glenner, et al., <i>Biochem. Biophys. Res. Commun.</i> , 120:885-890 (1984)
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	He et al., <i>J. Bio. Chem.</i> Vol. 273, No. 17, pp. 10741-10746 (1998)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO 1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0125-0043US	APPLICATION NO. 09/931,166
	APPLICANT(S) Abreo, et al	
	FILING DATE August 17, 2001	GROUP 1614-1624

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	5,656,627	08/97				March 17, 1995
	5,656,629	08/97				March 10, 1995
	5,707,998	01/98				March 18, 1994
	6,194,410	02/01				Feb. 24, 1999
	6,197,774	03/01				March 12, 1998
	6,207,829	03/01				Oct. 8, 1999
	6,262,302	07/01				Sept. 17, 1999

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	WO 00/76969	12/00				<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 00/76987	12/00				<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 00/76988	12/00				<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO 01/12598	2/01				<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 0 463 756	2/92				<input type="checkbox"/> Yes <input type="checkbox"/> No
	EP 0 526 004	3/93				<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	He et al., <i>J. Biol. Chem.</i> , 274(21), pp 15014-15019(1999)
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	Secrist et al., <i>J. Med. Chem.</i> , 1993, 36(13), 1847-1854
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	Sieburth et al., <i>J. Org. Chem.</i> , 64(3), 950-953 (1999)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

FORM PTO 1449		ATTY. DOCKET NO.		APPLICATION NO.			
<u>INFORMATION DISCLOSURE STATEMENT</u>		0125-0043US		09/931,166			
		APPLICANT(S) Abreo, et al					
		FILING DATE August 17, 2001		GROUP 1614-1629			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
							<input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
			Small et al., <i>Journal of Neurochemistry</i> , vol. 73, No. 2, pp. 443-9 (1999)				
			Sorato, C., <i>Chemtracts: Org. Chem.</i> , 2(4), 255-7 (1989)				
			Spraul et al., <i>J. Pharmaceutical & Biomedical Analysis</i> , Vol. 10, No. 8, 601-605 (1992)				
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EXAMINER				DATE CONSIDERED			
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